

REMARKS

The present invention relates to a toner which is used for developing an electrostatic latent image formed by an image forming method such as electrophotography. In addition, the present invention also relates to an image forming apparatus producing images using a toner, such as copiers, facsimiles and printers.

The rejection of Claims 21 and 22 under 35 U.S.C. § 102(e) as anticipated by U.S. 5,430,526 (Ohkubo et al), is respectfully traversed. The Examiner concedes that Ohkubo et al does not exemplify the toner recited in the present claims. The subject matter of these claims now require the presence of the recited toner of the recited developer in the recited developing device. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-4, 9 and 12-21 under 35 U.S.C. § 102(a) or (e), as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. 2003/015289 (Emoto et al), is respectfully traversed. All of the presently-pending claims contain the limitations of Claim 5, not subject to this rejection. Accordingly, it is respectfully requested that it be withdrawn.

The rejection of Claims 1-3, 11 and 20 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, U.S. 5,328,795 (Yamashiro et al), is respectfully traversed. As discussed above, all the present claims contain the limitations of Claim 5, not subject to this rejection. Accordingly, it is respectfully requested that it be withdrawn.

The rejection of Claims 1 and 18-21 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, JP2000-172005 (JP '005), is respectfully traversed. As discussed above, all of the presently-pending claims contain the limitations of Claim 5, not subject to this rejection. Accordingly, it is respectfully requested that it be withdrawn.

The provisional rejections under the judicially created doctrine of obviousness-type double patenting of:

(a) Claims 1, 4, 12-14, and 21 as unpatentable over Claims 1-6, 8-13, 19 and 20 of copending Application No. 10/286,816 (Application '816);

(b) Claims 1, 4, 5, 12-15, 18, and 20 as unpatentable over Claims 1-24 and 27 of copending Application No. 10/670,320 (Application '320);

(c) Claims 1, 4-9, 21, and 22 as unpatentable over Claims 8-14 of copending Application No. 10/849,857 (Application '857);

(d) Claims 1, 4, 5, 9, 18, 21, and 22 as unpatentable over Claims 1-16 of copending Application No. 10/820,726 (Application '726);

(e) Claims 1, 2, 4, 5, 12-19, and 22 as unpatentable over Claims 1-18 and 23 of copending Application No. 10/760,452 (Application '452);

(f) Claims 1, 4, 5, 12-16, 20 and 22 as unpatentable over Claims 1-11, 13, 14, and 17 of copending Application No. 10/724,150 (Application '150);

(g) Claims 1, 4, 5, 12-14, and 20 as unpatentable over Claims 1-15 of copending Application No. 10/724,260 (Application '260),

are all respectfully traversed.

To the extent any of these provisional rejections apply to the claims as above-amended, the Examiner is respectfully requested to hold these rejections in abeyance until the present claims are found to be allowable but for these rejections. If, at that time, none of the above-listed applications have been allowed, then the present application should be allowed, and non-provisional double patenting rejections made in the other applications, if applicable. See M.P.E.P. 822.01. (Applicants do not concede that any such rejections would be applicable.) At any rate, the provisional rejection over Application '816 has been overcome since Claim 5 was not subject to this rejection. In addition, at least new Claims 23 and 24

overcome all of the provisional rejections, since they contain the limitations of original Claim 3, not subject to the rejections.

For all the above reasons, it is respectfully requested that the provisional rejections no longer applicable be withdrawn and others be held in abeyance.

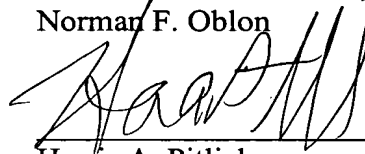
The objections to the specification at paragraphs 3 and 4 of the Office Action are now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that it be withdrawn.

With regard to paragraph 2 of the Office Action, Applicants respectfully request that the Examiner acknowledge that a response thereto was filed on November 17, 2004. In addition, Applicants respectfully request that the Examiner acknowledge the List of Related Cases filed December 14, 2004.

Applicants gratefully acknowledge the Examiner's indication of allowability of Claim 10. Nevertheless, Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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